

REMARKS

Responsive to the Notice of Non-Compliant Amendment and a February 27, 2008 telephone call with Examiner Thomas Price, the listing of claims in the Amendment filed November 16, 2007 has been changed to also indicate which claims are non-elected at this time. Note, no claims are withdrawn in that the restriction requirement has been traversed and has not been made final.

By the foregoing amendment the specification has been amended on pages 4 and 9, and claims 9, 13, and 17-21 have been amended. Thus, claims 9-27 remain in the application.

Restriction was required in the outstanding Office Action between the inventions of Group I, claims 9-12 and 22-25 drawn to a method of scalding slaughtered poultry, and the invention of Group II, claims 13-21, 26 and 27, drawn to an apparatus for scalding of slaughtered poultry. This requirement for restriction is hereby traversed and reconsideration thereof is respectfully requested.

It was noted on page 2 of the Office Action that the groups of inventions, the method and the apparatus, are permissible under PCT Rule 13, if a single general inventive concept links the claims in the various categories. Notwithstanding, it was stated in the Office Action that restriction is required in the case where no underlying unifying inventive concept is present as allegedly is the case in the present application. In this regard, reference was made to Snowden, U.S. Patent 3,748,691 in view of Wichelmann, U.S. 7,189,157. It was stated that the claim language of independent claims 9 and 13 does not define over the teachings of this prior art. Applicant disagrees.

The patent to Snowden is directed to a vaporizing apparatus for treatment of

animal carcasses. In pertinent part, the enclosed housing is positioned to extend at a predetermined angle relative to the horizontal, preferably within the range of 20°-35° relative to horizontal is noted in column 8, lines 31 and 32. It is explained by the patentee that the inclination has the purpose to get an upstream of the heated medium. A damping structure is provided in the upper portion of the housing for regulating the entry of ambient air into the housing to maintain the temperature in the housing within well defined limits. The method and apparatus of Snowden are quite different from the present invention wherein first nozzles are provided for blowing in steam at a bottom of a scalding chamber for producing the humid, hot air which afterwards is recirculated via second nozzles for blowing humid, hot air directly on the poultry passing the second nozzles. Further, Snowden discloses only a single inclined level for the conveyor and not a conveyor arranged in at least two levels. These are tiered conveyor levels as shown in Figure 5 of the application drawings, a cross sectional view of the scalding chamber 2 as discussed in the specification. Claims 9 and 13 have been amended in this regard to clarify that the at least two conveyor levels are tiered conveyor levels. The patent to Wichelmann does not provide for the deficiencies of Snowden. Wichelmann is similar to EP-A1-1 297 748 discussed on pages 1 and 2 of the application specification. The conveyor belt in Wichelmann extends forwards and backwards in parallel lengths inside the scalding chamber at the same level. The present invention is an improvement over the method and apparatus of Wichelmann and makes it possible to increase the scalding capacity of a given scalding system or apparatus considerably.

In view of the above amendments and remarks, it is respectfully submitted that there is clearly a general inventive concept linking the method and apparatus claims in the present application. Accordingly, reconsideration and withdrawal of the

requirement for restriction is requested.

Notwithstanding the above traverse, Applicant provisionally elects for further prosecution on the merits the invention of group II, the apparatus, to which claims 13-21, 26 and 27 are drawn. Further, in order to be fully responsive, Applicant further elects species IIA. Claims 13, 14 and 16 are readable on the elected species as referred to on page 3 of the Office Action.

In view of the above amendments and remarks, reconsideration and allowance of all of the claims as amended in the application is requested.

A Petition for Extension of Time for three months was filed with the Amendment filed November 16, 2007.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.44376X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Ronald J. Shore/

Ronald J. Shore

Registration No. 28,577

(703) 312-6600

Attachments
RJS:kmh